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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,887

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Gerard Marmigerc

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EXAMINER

GERGISO, TECHANE

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,887

Applicant(s)

MARMIGERE ET AL.

Examiner

Techane J. Gergiso

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 14, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is a second Final Office Action in response to the applicant amendment filed on July 14, 2006.
2. Claims 1-14 have been fully considered.
3. Claims 1-14 are pending.

Response to Arguments

4. Applicant's arguments filed July 14, 2006 have been fully considered but they are not persuasive.

The applicant argues by alleging that:

*"Jobst discloses in column 2, lines 38-42, that the "phone password is stored in the phone and is calculated by combining the IMEI number and the Master Password by means of a secure hash algorithm, such as a public key algorithm (for example, the MD5 algorithm from the RSA Data Security Company." However, nowhere does Jobst disclose that the **IMEI number itself is used as a shared key** for the encryption of the text data field content. Rather, Jobst discloses that the **combination** of the IMEI number and the Master Password is encrypted using an undisclosed public/shared key. Koukoulidis does not remedy the glaring deficiencies of Jobst."*

The examiner disagrees with the applicant's allegation that Jobst is not teaching IMEI number used as a shared key. As the applicant admits it, Jobst uses IMEI together with a master password to solve the same problem, which the applicant desires to solve. Jobst, by adding

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master password to the IMEI number, is providing an additional element or feature to the IMEI, for securing messages to be transferred (Figure 6: 103-107; Column 7: lines 5-30). Accordingly, Jobst has additional element or feature, which is master password, in combination to the IMEI used by the applicant. Therefore Jobst is teaching additional element (Master Password) including the IMIE feature claimed by the applicant.

For the above reason, the applicant argument is not persuasive and independent claim 1 is not distinguishable over Jobst in view of Koukoulidis. Therefore, claim 1 and its corresponding dependant claims 2-10 are not in condition for allowance. Furthermore, independent claim 11, and its corresponding claims 12-14 are also not in condition for allowance for similar reasons set forth above with regard to independent claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobst et al. (US Pat. No.: 6,707,915) in view of Koukoulidis et al. (US Pub. No.: 2003/0123669).

As per claim 1:

Jobst et al. disclose a text messaging system for the encryption of at least one text message sent to a wireless terminal equipment, the text message having an information data field and a text data field, the text messaging system comprising:

means for storing an equipment identification number uniquely assigned to the wireless terminal equipment (Column 6: lines 31-47; Column 7: lines 5-15; Figure 3; figure 5: 1);

means coupled to the equipment identification number storing means for encrypting the text data field content using the equipment identification number assigned to the wireless terminal equipment as the shared key (Column 2: lines 20-45; Column 6: lines 57-67; Column 7: lines 1-36);

and means for setting an encryption identifier in the information data field of the at least one text message (Figure 8: 63,64,65,66).

Jobst et al. do not explicitly teach the encryption and decryption system is carried out using Short Message Service (SMS) system. Koukoulidis et al., in an analogous art teach the encryption and decryption process is carried out using Short Message Service (SMS) system (Figure 2A: 20; Figure 4: 460; Figure 5: 20; Page 1: 0018). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Jobst et al. to include encryption and decryption process is carried out using Short Message Service (SMS) system. This modification would have been obvious because a person having ordinary skill in the art would have been motivated by the

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desire to secure transaction and communication utilizing SMS as suggested by suggestion provided by Koukoulidis et al. (Page 1: 0005, 0007,0018).

As per claim 2:

Jobst et al. disclose a system, wherein the at least one text message is a Short Message Service (SMS) message and said assigned equipment identification number is the International Mobile Equipment Identity (IMEI) number of (Page 2: 0032). said wireless terminal equipment (Column 5: lines 10-21; Column 2: lines 20-45; Column 6: lines 57-67; Column 7: lines 1-36).

As per claim 3:

Jobst et al. disclose a system, wherein the text data field of the text message comprises configuration commands to remotely manage the wireless terminal equipment (Column 6: lines 20-30; Column 2: lines 1-13)).

As per claim 4:

Jobst et al. disclose a system, wherein the information data field of the text message further comprises a header part and a body part, and wherein the encryption identifier is set in the body part of the information data field (Column 3: lines 1-21).

As per claim 5:

Koukoulidis et al. disclose a system, wherein the encryption identifier is set in an Information Element group of the SMS message (Figure 1B: 150).

As per claim 6:

Koukoulidis et al. disclose a system, wherein wireless terminal equipment is an Short Message Service (SMS) receiving mobile device and said at least one text message is carried over a wireless network (Figure 4: 400; 460).

As per claim 7:

Jobst et al. disclose a system, wherein wireless terminal equipment comprises means for storing a personal equipment identification number, and further comprising:

means for receiving the encrypted at least one text message (Figure 5: 41, 1);

means for determining if the received encrypted at least one text message contains an equipment identification number as a shared key encryption (Figure 7: 201); and

means for decrypting the received encrypted at least one text message using the personal equipment identification number of said wireless terminal equipment. (Column 11: lines 50-59).

As per claim 8:

Jobst et al. disclose a system, comprising means coupled to the decrypting means for processing or rejecting the decrypted at least one text message (Figure 7: 208, 209)

As per claim 9:

Koukoulidis et al. disclose a system, wherein the means for generating an encrypted at least one text message further comprising means for processing an encryption algorithm to compute a bit string using said assigned equipment identification number as the shared key and the text data field content (Page 2: 0032).

As per claim 10:

Koukoulidis et al. disclose a system, wherein the means for decrypting the received encrypted at least one text message further comprising means for processing a decryption algorithm using said personal equipment identification number as the shared key and the received encrypted at least one text message content (Page 2: 0032).

As per claim 11:

Jobst et al. disclose a method for authenticating a text message sent by a text messaging system to a wireless terminal equipment (Column 10: lines 33-49; Figure 7) having means for storing a personal equipment identification number (Column 6: lines 31-47; Column 7: lines 5-15; Figure 3; figure 5: 1) the text messaging system (Column 5: lines 10-21) comprising

means for storing an equipment identification number uniquely assigned to the wireless terminal equipment (Column 2: lines 20-45; Column 6: lines 57-67; Column 7: lines 1-36), and

wherein the text message having an information data field and a text data field, the method comprising the steps of:

at the text messaging system (Column 5: lines 10-21):

encrypting the text data field content by using the equipment identification number assigned to the wireless terminal equipment as the shared key (Figure 8: 65);

setting an encryption identifier in the information data field of the at least one text message (Figure 7: 206); and

sending the encrypted at least one text message to the wireless terminal equipment (Figure 5: 41);

at the wireless terminal equipment (Figure 5: 1; Phone);

receiving the encrypted at least one text message (Figure 7: 205);

determining if the received encrypted at least one text message contains an equipment identification number as a shared key encryption (Figure 7: 208); and

decrypting the received encrypted at least one text message using the personal equipment identification number of said wireless terminal equipment as a shared key (Column 11: lines 50-59).

Jobst et al. do not explicitly teach the encryption and decryption process is carried out using Short Message Service (SMS) system. Koukoulidis et al., in an analogous art teach the encryption and decryption process is carried out using Short Message Service (SMS) system (Figure 2A: 20; Figure 4: 460; Figure 5: 20; Page 1: 0018). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Jobst et al. to include encryption and decryption process is carried out using Short Message Service (SMS) system. This modification would have been

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obvious because a person having ordinary skill in the art would have been motivated by the desire to secure transaction and communication utilizing SMS as suggested by suggestion provided by Koukoulidis et al. (Page 1: 0007).

As per claim 12:

Jobst et al. disclose a method of determining if the encrypted at least one text message contains configuration commands to remotely activate the wireless terminal equipment (Column 4: lines 40-51).

As per claim 13:

Jobst et al. disclose a method, after the decrypting step, of processing or rejecting the decrypted at least one text message upon the decryption result (Column 6: lines 20-30).

As per claim 14:

Jobst et al. disclose a method, wherein the at least one text message is a Short Message Service (SMS) message, and the assigned equipment identification number is the International Mobile Equipment Identity (IMEI) number of the wireless terminal equipment (Column 5: lines 10-21; Column 2: lines 20-45; Column 6: lines 57-67; Column 7: lines 1-36).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

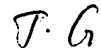
Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is ~~(571) 273-3784~~. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Techane Gergiso

Patent Examiner

Art Unit 2137

September 17, 2006



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER